

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

SYNAGRO TECHNOLOGIES, INC.,

Plaintiff,

vs.

GMP HAWAII, INC.,

Defendants.

CIVIL NO. CV044-00509
(SPK /LEK)

DECLARATION OF MICHAEL R.
MARSH; EXHIBITS "1," "2" AND
"3"

DECLARATION OF MICHAEL R. MARSH

1. I am a Shareholder and Director of Case, Lombardi & Pettit, attorneys for the Defendant GMP Hawaii, Inc. ("GMP") in this action, and an attorney duly licensed to practice law in the above-entitled Court.

2. I make this Declaration upon personal knowledge and am competent to testify to the matters set forth herein, and submit this Declaration in support of Defendant GMP Hawaii, Inc.'s Memorandum in Opposition to Synagro Technologies, Inc.'s *Ex Parte* Motion to Submit a Supplemental Exhibit in Support of Synagro Technologies, Inc.'s *Amended* Motion for Attorneys' Fees and Related Non-Taxable Expenses, filed herein on September 14, 2006 ("Ex Parte Motion").

3. On or about April 9, 2006, before Synagro filed its Motion for Attorneys' Fees, Synagro provided GMP with a set of billings, which it purported would be used to provide the necessary evidence as to the amount and

reasonableness of its fees. GMP immediately proceeded to analyze each billing entry therein.

4. On April 21, 2006, Synagro filed its Motion for Attorneys' Fees, and a substantively different set of billings was submitted as an exhibit thereto than that which had been provided to GMP on or about April 9, 2006. GMP immediately proceeded to analyze each billing entry in that second set of billings.

5. On May 26, 2006, Synagro filed its Amended Motion for Attorneys' Fees, and a substantively different set of billings was submitted as an exhibit thereto than the prior two billings which had been submitted to GMP on April 9, 2006 and April 21, 2006, respectively. GMP immediately proceeded to analyze each billing entry in that third set of billings.

6. Attached hereto as Exhibit "1" are true and correct copies of the Deposition of Wagdy A. Guirguis at pages 145-154, Exhibit "3" to the Melnyk Depo. (referenced in the Guirguis Depo.), and GMP document # 0186 (referenced in the Guirguis Depo.).

7. Attached hereto as Exhibit "2" are true and correct copies of the Deposition of Peter Melnyk at pages 174-183, and Exhibit "3" thereto.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Honolulu, Hawai'i, SEP 25 2006.

A handwritten signature in black ink, appearing to read "Michael R. Marsh", written over a horizontal line.

MICHAEL R. MARSH